

Appl. No. : 10/757,178  
Filed : January 14, 2004

to the same entity at the time the claimed invention was made. *See* 35 U.S.C. §103(c). In this case, both Cammack et al. (6,916,894, 2003/0220500, and 2005/0209478) and the invention claimed in this application were subject to assignment to Nitto Denko Corporation and Arizona Board of Regents on Behalf of The University of Arizona at the time the invention was made. The appropriate assignments have been made and recorded in the PTO, and copies of those assignments are available upon request. Accordingly, this rejection is moot because Cammack et al. (6,916,894, 2003/0220500, or 2005/0209478) are not prior art under 35 U.S.C. § 103(a) based on 35 U.S.C. §102 (e).

In addition, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness because there is no motivation to combine Hendrickx and Cammack in the manner indicated by the Examiner. *See* M.P.E.P. § 2143. Therefore, Applicants respectfully request withdrawal of this rejection.

#### **Rejection of Claims 1-24 under 35 U.S.C. § 103(a)**

Claims 1-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Marder et al. (6,090,332) in view of Cammack et al. Applicants respectfully traverse this rejection.

As discussed above, Cammack et al. are not prior art under 35 U.S.C. § 103(a) based on 35 U.S.C. §102(a), (b) or (e). Thus, this rejection is also moot. In addition, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness because there is no motivation to combine Marder and Cammack in the manner indicated by the Examiner. Therefore, Applicants respectfully request withdrawal of this rejection.

#### **Status of Patent Application**

The Office Action Summary indicates that the Office Action is non-final, but the text of the Office Action at page 3 contains a contrary indication. Applicants respectfully submit that any indication of finality is incorrect because the Office Action states a new ground of rejection for Claim 11 that was not necessitated by Applicants' Amendment of July 21, 2005. Therefore, to clarify the record, Applicants respectfully submit that the Office Action is non-final.

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The Office Action Summary also indicates that Claim 25 has been rejected, but the text of the Office Action does not provide any basis for rejecting Claim 25. To clarify the record, Applicants respectfully submit that Claim 25 stands allowed because the Office Action does not provide the "reasons for any adverse action or any objection or requirement" that are required by 37 C.F.R. § 1.104 to substantiate a rejection.

### CONCLUSION

In view of foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. In this respect, should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/2/05

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